

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
RECEIVED

Application of: Johnson  
Serial No.: 09/158,120  
Filed: September 21, 1998  
For: Human-Murine Chimeric Antibodies Against Respiratory Syncytial Virus  
Group: 1644  
Examiner: Roark

01/26/2004 SLUANG1 00000019 09158120  
01 FC:1801 770.00 OP  
02 FC:1006 770.00 OP  
03 FC:1401 330.00 OP  
04 FC:1254 1480.00 OP  
05 FC:1253 950.00 OP  
06 FC:1253 950.00 OP  
07 FC:1253 950.00 OP  
08 FC:1461 660.00 OP

Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

REQUEST TO ACCEPT DEFICIENCIES IN FEES UNDER 37 C.F.R. 1.28(c)

SIR:

This is a request to accept deficiencies in fees under 37 C.F.R. 1.28(c).

Certain fees during prosecution of the above-identified application were paid under the mistaken belief that the assignee of the claimed subject matter of the above-identified application, MedImmune, Inc. was a small entity, where in fact MedImmune, Inc. is a large entity. Applicant's attorney was informed recently that MedImmune, Inc. is a large entity and not a small entity. The fees that were paid in the mistaken belief that MedImmune, Inc. was a small entity were as follows:

1. Notice of Appeal and three-month extension of time - July 16, 2001:

Adjustment date: 03/22/2004 AKELLEY  
07/16/2001 RUMH9981 00000019 09158120  
01 FC:219 -155.00 OP  
02 FC:227 -660.00 OP  
Fee paid - \$600.00  
Total fee due - \$1,260.00

Adjustment date: 03/22/2004 AKELLEY  
01/26/2004 SLUANG1 00000019 09158120  
03 FC:1461 -660.00 OP  
Deficiency - \$660.00

2. Request for Continued Prosecution Application plus three-month extension of time - December 10, 2001:

03/22/2004 AKELLEY 00000034 030570 09158120  
01 FC:1461 350.00 OP  
02 FC:1253 950.00 OP  
29.00 OP

Fee paid - \$830.00  
Total fee due - \$1,720.00  
Deficiency - \$890.00

3. Three-month extension of time - September 9, 2002:

Fee paid - \$460.00  
Total fee due - \$950.00  
Deficiency - \$490.00

4. Notice of Appeal and three-month extension of time - July 10, 2003:

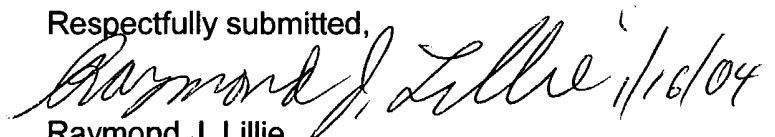
Fee paid - \$625.00  
Total fee due - \$1,280.00  
Deficiency - \$655.00

5. Request for Continued Examination and four-month extension of time:

Fee paid - \$1,125.00  
Total fee due - \$2,250.00  
Deficiency - \$1,125.00

The error with respect to the small entity status of MedImmune, Inc. was made in good faith and without deceptive intent. A check in the amount of \$3,820.00, the total amount of fee deficiencies, accompanies this request. It is therefore respectfully requested that this request to accept deficiencies in fees be granted.

Respectfully submitted,

  
Raymond J. Lillie  
Registration No. 31,778



D A C  
(S) #

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Patent Examining Operations**

Application of: Johnson, et al.  
Serial No: 09/158,120 Art Unit: 1644  
Filed: September 21, 1998 Examiner: Roark  
Title: Human-Murine Chimeric Antibodies Against Respiratory Syncytial Virus  
Attorney  
Docket No.: 469201-367 Customer No. 27162

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
JAN 26 2004  
OFFICE OF PETITIONS  
OFFICE

SIR:

Enclosed please find the following:

1. Request to Accept Deficiencies in Fees Under 37 C.F.R. 1.28 (c);
2. Check in the amount of \$3,820.00; and
3. A self-addressed, postage paid, return receipt postcard, date stamp and return of which is respectfully requested.

The Commissioner is authorized to charge payment of any additional filing fees required under 37 C.F.R. 1.16 associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

**FIRST CLASS CERTIFICATE**

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Raymond J. Lillie* 1/16/04  
Raymond J. Lillie, Esq. Date

Respectfully submitted,

*Raymond J. Lillie*  
Raymond J. Lillie, Esq.  
Reg. No. 31,778

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